

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16-cv-00417-GCM  
(3:00-cr-00174-GCM-1)

LAMONT MAURICE GAITHER, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on consideration of Respondent's motion to stay disposition of this collateral proceeding. (Doc. No. 4). Petitioner does not object.

Respondent moves for a 60-day extension from the date the Fourth Circuit decides either United States v. Ali, No. 15-4433 or United States v. Simms, No. 15-4640, to file a response to Petitioner's § 2255 Motion to Vacate. In these cases, the Court is considering whether the Supreme Court's decision in Johnson v. United States, 135 S. Ct. 2551 (2015), invalidates the residual clause of 18 U.S.C. § 924(c) on the grounds that it is unconstitutionally vague.

Because issues in the Ali and Simms cases are likely relevant to the resolution of Petitioner's case, and noting no objection from Petitioner, the Court will grant Respondent's motion.

**IT IS, THEREFORE, ORDERED** that Respondent's motion to stay is **GRANTED**, (Doc. No. 4), and Respondent shall have 60-days from the date the Circuit Court renders its decisions in United States v. Ali or United States v. Simms to file a response to Petitioner's § 2255 Motion to Vacate. Petitioner may file a reply as provided by the Local Rule for this

District.

**SO ORDERED.**

Signed: November 14, 2016

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

